



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/536,969	03/28/2000	James D. Logan	A-005	4915

21253 7590 11/07/2003

CHARLES G. CALL
68 HORSE POND ROAD
WEST YARMOUTH, MA 02673-2516

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 11/07/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/536,969

Applicant(s)

LOGAN ET AL.

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 13-20 is/are rejected.
- 7) ☒ Claim(s) 11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-20 are presented for examination.
2. Claim 11 is objected to because of the following informalities:
“an program segment” should be changed to “a program segment” (claim 11, line 2).
Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-10 and 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulhof et al. (US 5,572,442), hereinafter Schulhof, in view of Ostrover et al. (US 6,026,446), hereinafter Ostrover.
5. As to claims 1 and 13, Schulhof discloses the invention substantially as claimed, including a method for selectively reproducing locally stored programming signals (col. 5, lines 52-67) comprising, in combination, the steps of

storing a first set of separate programming segments at a client location (50, fig.

1; col. 4, lines 57-63; col. 4, lines 30-32);

employing processing means to derive identification data from each of said first set of separate programming segments (col. 4, lines 63-64; col. 5, lines 5-8);

transmitting said identification data from said client location to a remote processing location (col. 5, lines 9-12 and 52-53; col. 6, lines 31-39; col. 9, line 65 – col. 10, line 4),

at said remote processing location comparing said identification data with a database containing identification information and associated content descriptions for each of a second set of programming segments (col. 10, line 35 – col. 11, line 15);

transmitting from said remote processing location to said client location selected ones of content descriptions stored in said database which describe said program segments (col. 6, lines 40-61; col. 10, lines 40-41), and

at said client location, presenting said selected content descriptions to a user to facilitate the selective processing of said program segments (col. 12, lines 18-26).

6. Schulhof does not specifically disclose common program segments found in both said first and said second set of programming segments. However, Ostrover discloses common program segments found in both said first and said second set of programming segments (col. 14, lines 35-54; col. 20, lines 44-47). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Schulhof and Ostrover because common program segments in Ostrover's would improve the mirroring contents of Schulhof's system by allowing users to redundantly

record the common programs, thereby allowing seamless play to take place (Ostrover, col. 20, lines 44-47).

7. As to claim 2, Schulhof discloses at least some of said programming signals are recorded musical performance (col. 1, lines 8-13).

8. As to claim 3, Schulhof discloses content descriptions specify one or more attributes of the corresponding recorded musical performance from the group of attributes consisting of the title, performer, composer and date of the corresponding recorded musical performance (i.e., program guide; col. 5, lines 5-8).

9. As to claim 4, Schulhof discloses the first set of programming signals comprises receiving and recoding broadcasted programming signals (col. 5, lines 52-67).

10. As to claim 5, Schulhof discloses the identification data contained in the database are derived from the broadcasted programming signals (col. 9, line 65 – col. 10, line 14).

11. As to claim 6, Schulhof discloses specifying the beginning and end time of each of said program segments (i.e., broadcast schedule; col. 6, lines 19-23).

12. As to claim 8, Schulhof further discloses maintaining a stored library (18, fig. 1)

Art Unit: 2154

containing the second set of programming segments at the remote processing location (14-16, fig. 1; col. 6, lines 8-13), accepting a retrieval request from the client location (col. 5, lines 9-12 and 52-53; col. 6, lines 31-39; col. 9, line 65 – col. 10, line 4), and responding the request by transmitting to the client (col. 6, lines 40-61; col. 10, lines 40-41).

13. As to claim 9, Schulhof discloses uploading a copy of a program segment stored locally at said client location to said remote processing location (i.e., two-way communications; col. 5, lines 9-12 and 52-53; col. 6, lines 31-39; col. 9, line 65 – col. 10, line 4).

14. As to claim 10, Schulhof discloses posting an entry upon the transmittal of the identification data to the remote processing location, subsequently transmitting a playback request identifying the client location and identifying a requested program segment (col. 10, lines 52-65).

15. As to claims 14 and 18-20, Schulhof discloses displaying the program guide data for use at the client station to facilitate the selection and reproduction of desired ones of the particular programs (col. 5, lines 5-8).

16. As to claim 16, Schulhof discloses recording and processing the broadcast signal at the client location are performed by a programmed personal computer (64, 66,

Art Unit: 2154

fig. 2; col. 11, lines 60-64; col. 12, lines 40-46).

17. As to claim 17, Schulhof discloses the communication channel is the Internet (col. 13, lines 46-55).

18. As to claim 7, they are rejected for the same reasons set forth in claim 1.

19. As to claim 15, they are rejected for the same reasons set forth in claim 6.

20. Claims 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

21. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Pocock, patent 5,661,787, Logan et al, patent 6,199,076 B1, Abecassis, patent 6,553,178 B2 disclose method and system for automatically playing a predetermined schedule of audio program segments.

22. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-

Art Unit: 2154

9669. The examiner can normally be reached on 8:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang
November 3, 2003

A handwritten signature in black ink, appearing to read "N. E. Hardy", with a long, sweeping vertical stroke extending downwards from the end of the signature.